



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
RAÚL R. LABRADOR

March 31, 2023

TRANSMITTED VIA CM/ECF

Molly C. Dwyer
Clerk of the Court
United States Court of Appeals for the Ninth Circuit
95 7th Street
San Francisco, CA 94103

Re: *Hecox v. Little*, Case Nos. 20-35813, 20-35815

Dear Ms. Dwyer:

Defendants-Appellants submit this Rule 28(j) letter to inform the Court that the World Athletics Council—the governing body for international track and field—has issued new regulations that join the growing trend of excluding or limiting biological males from participating in women’s athletic competitions. *See* Dkt. 201 at 22–26.

These new eligibility rules were issued March 23, 2023 and go into effect today. They categorically exclude all post-pubescent biological male athletes—regardless of gender identity—from competing in female World Rankings competitions. Defendants-Appellants have attached the March 23, 2023, World Athletics Eligibility Regulations to this letter.

In a press release about the new regulations, World Athletics President Sebastian Coe said:

Decisions are always difficult when they involve conflicting needs and rights between different groups, but we continue to take the view that we must maintain fairness for female athletes above all other considerations. We will be guided in this by the science around physical performance and male advantage which will inevitably develop over the coming years. As more evidence becomes available, we will review our position, but we believe the integrity of the female category in athletics is paramount.¹

For these reasons and those set forth previously, this Court should reverse the district court's decision and uphold Idaho's Fairness in Women's Sports Act.

Respectfully submitted,

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Idaho Attorney General

David M.S. Dewhirst
Chief Deputy Attorney General

/s/ Lincoln Davis Wilson
Lincoln Davis Wilson
*Chief of Civil Litigation and
Constitutional Defense*

Counsel for Defendants-Appellants

Cc: Counsel of record

¹ <https://tinyurl.com/mr3rn3y2>